

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

ANTHONY L. WILLIAMS,)	CASE NO. 4:17 CV 972
)	
Petitioner,)	JUDGE DAN AARON POLSTER
)	
v.)	
)	
)	<u>MEMORANDUM OF OPINION</u>
)	<u>AND ORDER</u>
MIKE DEWINE,)	
)	
Respondent.)	

Pro se Petitioner Anthony L. Williams, a state prisoner incarcerated in the Lake Erie Correctional Institution, has filed a “Petition for a Writ of *Habeas Corpus* Under 28 U.S.C. Section 2241.” (ECF No. 1.) He seeks to challenge on various grounds his conviction in the Mahoning Count of Common Pleas on charges of aggravated murder with a firearm specification. He asks that he be “immediately discharged from Confinement.” (*Id.* at Page ID # 4.)

A court must dismiss a habeas corpus petition if “it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief.” Rule 4 of the Rules Governing Habeas Corpus Cases Under Section 2254 (applicable to §2241 petitions pursuant to Rule 1(b)).

The Petition must be summarily dismissed. The Sixth Circuit has made clear that “regardless of the label on the statutory underpinning for [a] petition, habeas petitions of state

prisoners are governed by 28 U.S.C. § 2254," not §2241, and a state habeas petitioner may not avoid the restrictions imposed upon second and successive §2254 petitions by styling his petition as one pursuant to §2241. *Byrd v. Bagley*, 37 F. App'x 94, 95 (6th Cir. 2002).

Accordingly, Petitioner is not entitled to relief under §2241, and prior §2254 petitions he has filed challenging his Mahoning County conviction have already been dismissed. *See e.g.*, *Williams v Goodrich*, Case No. 4: 15 CV 897 (N.D. Ohio) (Docket Nos. 3 and 4.)

Conclusion

The Petition is dismissed pursuant to Rule 4 of the Rules Governing Habeas Corpus Cases. The Court certifies, pursuant to 28 U.S.C. §1915(a)(3), that an appeal from this decision could not be taken in good faith and that there is no basis on which to issue a certificate of appealability. Fed. R. App. P. 22(b); 28 U.S.C. §2253.

IT IS SO ORDERED.



6/12/2017

DAN AARON POLSTER
UNITED STATES DISTRICT JUDGE